

Kenya: Development Response to Displacement Impacts Project (P161067)
Implementation Support Mission
May 27 - 31, 2019
Aide Memoire

I. INTRODUCTION

1. During May 27 to 31, 2019, a Bank Team¹ carried out an Implementation Support Mission of the Kenya Development Response to Displacement Impacts Project (KDRDIP). This Aide Memoire summarizes the findings on the status of the project implementation, recommendations and agreements reached with the relevant agencies on necessary measures to expedite project implementation.

2. The Aide Memoire was discussed at the wrap-up meeting on May 30, 2019 with Ms. Dorothy Kimeu, Director of Administration and Head, World Bank Division and Policy Coordination Unit, as the chair and the final version of the Aide Memoire was endorsed by Bank management. Agreed actions are in section V.

II. PROJECT DATA AND STATUS

Table 1: Key Project Data

Project Data	USD (millions)
Original Project Amount	100
Additional Grant Financing as of January 30, 2019	8.18
Total Disbursement	7.09
Disbursement in FY	1.99
Closing Date	April 29, 2022

3. The mission acknowledges that notable progress has been made since the last mission in March 2018, though further expediting implementation and disbursement would be necessary in the coming Fiscal Year. The mission noted the launching of the project in all three project counties, establishment and staffing of the County Integrated Project Implementation Units (CIPIUs), signing of Memorandum of Understanding (MoU) between county and national level, and the conclusion of the procurement process for the Facilitating Partners (FPs) for four out of the five project sub-counties. The Project Implementation Manual (PIM) and the Community Operations Manual (COM) continue to be updated. The project continues to receive support and is considered an important part of the North and Northeastern Development Initiative (NEDI). The Grant Agreement for the Additional Financing availed by the Danish Government to the project was signed on January 30, 2019.

III. KEY AGREED ACTIONS

4. *MoUs between counties and national government:* The mission was informed that the Governors of all three project counties have signed the project MoU. It was agreed that the countersigned copies will be shared with the Bank by June 21, 2019.

5. *Deployment of FPs on the ground:* The contracting process for FPs is completed in four of the five project sub-counties. The procurement of the FP in Wajir South sub-county has faced challenges. Given that there is an issue of perceived conflict of interest that was raised by complainants, the award

¹ The Bank team was comprised of: Varalakshmi Vemuru (Lead Social Development Specialist and TTL); Lisa Schmidt (Social Development Specialist and co-TTL); James Muturi (Financial Management Consultant); Joel Munyori (Senior Procurement Specialist); Vanessa Tilstone (Senior Social Safeguards Consultant); Diana Sirma (Environmental Safeguards Consultant); Peter Mukhutsi (Monitoring and Evaluation Consultant); Abla Safir (Senior Economist); and Hope Nanshemeza (Team Assistant). Ashutosh Raina (Social Development Specialist); Edward Dwumfour (Senior Environmental Specialist); and Philip Jespersen (Senior Social Development Specialist) supported the mission remotely. The mission was further joined by Nancy Njega, Program Officer, Danish Embassy.

of contract for the FP for Wajir South Sub-county will be put on hold until a confirmation is received from the Bank on the satisfactory resolution of the issues surrounding the conflict of interest. The mission further agreed that orientation of the remaining four FPs will be delivered from June 17-21, 2019 and thereafter, they will roll out activities on the ground.

6. *Enhancing procurement capacity at the National Project Implementation Unit (NPIU)*: Given the considerable delay in procurement activities due to weak procurement capacities at the NPIU, it was agreed that a qualified procurement consultant will be contracted by June 28, 2019. A full-time procurement officer with hands-on experience in the implementation of Bank financed operations should also be deployed to the NPIU.

7. *Provision of adequate budget for the project*: A significant number of subproject proposals for funding will come up during the next six months following the community led planning. Given the high expectations and needs of the project beneficiary communities, it is critical that adequate budget provisions are made to support these and for making payments for the FP contracts.

IV. IMPLEMENTATION PROGRESS AND KEY FINDINGS

FPs training and start of community-level implementation

8. It was agreed that the relevant project manuals, most notably the COM, require further revisions based on additional information gathered by the NPIU in the project counties, before they can inform training materials for the FP training. Critically, the COM also needs to address questions related to project roll-out and village-level project allocations as well as the rate and mode of payment for Labor-Intensive Public Works (LIPW). A revised COM and training materials were shared with the Bank on June 13, 2019. Inception reports submitted by the contracted FPs will be shared with the Bank as soon as available.

County Engagement

9. The mission travelled to Lodwar (Turkana) and met various stakeholders (see annex 1), including the Deputy Governor, the County Commissioner, and members of the KDRDIP County Steering Committee (CSC), County Technical Committee (CTC) and Project Implementation Support Team (PIST). All stakeholders assured their support and commitment to expedited project implementation. Specifically, the county guaranteed the deployment of its technical officers to the project. They will be facilitated through project funds in the discharge of their duties related to the project. A list of all PIST members per county will be shared with the Bank by June 28, 2019. If capacity gaps exist, options such as operational support by CTC members or consultancies will be considered. The mission further discussed and agreed on the necessity of MoUs at individual investment level to guarantee county commitment to the sustainability of the investment, i.e. ensuring recurring expenditure, and operations and maintenance costs. These MoUs will be filed by the NPIU as they become available. The mission agreed that continuous engagement and close collaboration between the national and county level will be paramount to successful project implementation. The mission was informed that the Governors of all three project counties have designated a County Project Focal Point to facilitate this collaboration. Assignment letters have been shared for the Garissa and Wajir County Project Focal Points. The assignment letter for Turkana will be shared by June 28, 2019.

Labor-Intensive Public Works (LIPW)

10. The mission reached an agreement on key parameters of the LIPW under the project. The mission agreed that LIPW is not an employment program but is rather a social safety net, aimed at providing households with a minimum income when other income-earning opportunities are not sufficient. Based on this understanding and on comparison with the amount paid under the National Safety Net Program (NSNP) as well by the World Food Program's cash for asset payment, the mission

agreed that the LIPW daily payment would be KES 250. The mission also agreed that each individual would participate in LIPW for 5 hours per day, 3 days per week, 6 months per year. A table with national and regional comparators can be found in Annex 2. Regarding the payment method, the mission agreed that the project will initially use banks and learn from the experience of the NSNP.

Procurement

11. The mission reviewed the status of implementation of the approved Procurement Plan and emerging issues and challenges and noted that although a significant milestone in the selection and engagement of Facilitating Partners (FP) and County Project Implementation Support Personnel has now been achieved, there has been lengthy delays in the selection and contract award processes for these contracts among others. These delays can be largely attributed to the: (a) limited procurement capacity resulting in poor quality documentation submitted to the Bank for review; (b) dysfunctional procurement arrangements within the NPIU; and (c) lack of effective overall project coordination and management.

12. The mission further expressed concern on the documentation, content and quality of data at entry in the Systematic Tracking of Exchanges in Procurement System (STEP) attributed to lack of capacity at the NPIU despite several trainings on the use of STEP and handholding support, and lack of streamlined and clear sharing of roles and responsibilities for those provided with user profiles. Timely uploading of procurement records and information and the quality of data captured in STEP cannot be compromised given that the System is intended to assist the implementing agencies in the monitoring, tracking and reporting on exchanges in procurement.

13. The mission further noted that the award of contract for the selection of Facilitating Partner for Wajir South Sub-County has been delayed following complaints by two of the shortlisted consultants, namely Southern Aid (SA) and Pastoralist Initiative for Development & Advocacy (PIDAD) challenging their exclusion from the selection process filed with the Public Procurement Administrative Review Board (PPARB) and thereafter an appeal for judicial review by SA. SA however withdrew the appeal for judicial review on June 11, 2019.

14. In view of the above, the mission discussed and agreed on the following:

- a. The NPIU will engage a procurement consultant on a short-term basis within the next two months to assist the NPIU clean-up data and information in STEP, provide support in the supervision and management of consultant contracts including those of the FPs, and further build and strengthen the internal capacity of the NPIU. A full-time procurement officer with hands-on experience in the implementation of Bank financed operations should also be deployed to the NPIU;
- b. To enhance accountability in the use of STEP, user profiles and responsibilities on matters related to procurement implementation and the overall administration and management of activities in STEP will be restricted to the Point of Contact and the Procurement Officer designated to the project. All other STEP users will be limited to the roles assigned to them in STEP.
- c. Although the appeal for judicial review by SA has been withdrawn, the mission notes that the selection process has been marred by the lack of full disclosure of and/or conflicting information on the ownership and capacities of some of the NGOs shortlisted for the provision of FP services, and particularly those shortlisted for the Wajir South Sub-county. In this regard and given that there is an issue of perceived conflict of interest that was raised by the complainants, the award of contract for the FP for Wajir South Sub-county should be put on hold until a confirmation is received from the Bank on the satisfactory resolution of the issues surrounding the COI.
- d. For effective project coordination and management, the mission agreed that the roles and responsibilities of the PC and PM in the NPIU should be clearly defined as the lack of

clarity is affecting project implementation and the decision-making processes especially procurement implementation.

15. A procurement post review was conducted on April 30, 2019. The review findings point to the use of inappropriate standard procurement documents, wrong application of evaluation criteria, inappropriate contract award practices, poor contract management leading to delayed execution and completion of awarded contracts, and poor record keeping and management. Detailed findings will be shared with the Ministry once the final report is ready.

16. In view of the above, procurement performance for the Project is rated “Moderately Unsatisfactory”.

Financial Management

17. The mission agreed that the project will start processing withdrawal applications for the additional grant financing availed by the Danish Government to the project (TF A7762). It was further agreed that the additional grant financing will be prioritized in disbursements.

18. From the recent financial management implementation support and supervision review, the following financial management issues were noted: (i) inadequate budgeted amounts in the printed estimates and further proposal for budget cuts by National Treasury which may leave the project with inadequate provisions for implementation of activities; (ii) lack of budget vs. actual analysis carried out per component which may hinder in monitoring progress of activities per components; (iii) issuance of group imprests and some delays in accounting for imprests issued, although the project management has now assured that group imprest are no longer issued; (iv) some weaknesses noted in asset register in that several assets of same type are lumped up together in the asset register instead of listing separately so as to be able to populate the unique asset identification number (tag number) and location for each of the asset; (v) hiring and payment of salaries to staff before a no objection for hiring the staff is obtained which can lead to ineligible expenditure. Although the previous cases noted have been cleared retroactively, the project should ensure such does not recur.

19. It was also agreed there is a need for development of guidelines and reporting template for sub-implementing entities to avoid confusion when they start handling finances. The following will be crucial: (i) a format for use by the Sub-County Accountant and further by the community level accountant who will be reporting to the NPIU Accountant; (ii) timelines for reporting by community level accountants and CIPIU accountants for consolidation by the NPIU accountant; (iii) clear guidelines on the content of reports i.e. monthly/quarterly financial reports, bank statements, bank reconciliations statements; (iv) clarifications to the sub-reporting entities whether the NPIU will receive monthly or quarterly reports.

20. The Annual Workplan and Budget FY19/20 was shared with the Bank on May 24, 2019. The Bank will provide feedback by June 21, 2019.

Social and Environmental Safeguards

21. A training was carried out for CIPIU staff including on safeguards in Mombasa in November 2018, and a devoted safeguards training was provided for all NPIU, CIPIU and county liaison staff from January 22 to 24, 2019. However, the safeguards process still needs to be fully mainstreamed into the project methodology and owned by general project staff. The mission agreed that the NPIU will review the COM, PIM and other manuals prepared to ensure safeguard processes are mainstreamed into the project components. For social safeguards specifically, it is critical that all components and project manuals clearly outline steps to map and promote inclusion of vulnerable and marginalized groups including women, minority groups and outcast groups, and ensure extensive consultations on the use of community land and accessible and impartial complaints resolution mechanisms. It was agreed that the reviewed manuals will be submitted to the Bank before sharing with the Facilitating Partners (FPs).

During their induction training, FPs will further receive capacity building on the safeguard requirements for the project to meaningfully assist the project identify and understand the environmental and social risks during sub-project identification which requires adequate consultation and involvement of key stakeholders.

22. Safeguards screening of the sub-projects using the environment and social checklist annexed to the ESMF and preparation of the summary safeguards reports will be the responsibility of the CIPIU safeguards officers. Screening will assist to identify the potential impacts and risks, identify the policies triggered, project category and EA requirements for the specific sub-projects. Informed by the screening checklists, the minutes of the community screening meetings and the community land resolution form, the summary safeguards report will outline the steps that have been taken to address issues of inclusion, as well as other environmental and social impacts including conflict and Gender-Based Violence (GBV) mitigation measures. This will take place once sub-projects have been identified, prior to submission to the county technical committee for review and approval. The forms should be reviewed by the NPIU safeguards staff as part of the county steering committee approval of Community Action Plans and will then be submitted to the Bank for clearance.

Monitoring and Evaluation (M&E)

23. The development of the baseline survey and Management Information System (MIS) for the project have been contracted and are underway. The mission agreed that deliverables will be shared with the Bank for technical review in order to ensure alignment with planned Impact Evaluation activities and with the systems in place in the remaining countries under this regional project. The baseline survey and establishment of the MIS are expected to be completed by September 30, 2019. It was agreed that the Bank will organize a videoconference with the Uganda DRDIP M&E counterparts for an exchange on the project MIS. This will be followed by a short exchange visit by the KDRDIP M&E lead and MIS lead consultant to Uganda. The project M&E Manual was completed in September 2018 and is a living document which may be revised on a need basis when implementation of project activities on the ground starts. The mission was further informed that the NPIU is developing training materials to train CIPIUs and FPs on project M&E. The materials were shared with the Bank for review on June 14, 2019. A master indicator table for the project is under development and will be finalized by June 28, 2019 to support data collection once FPs start community-level implementation. It was also agreed that the project will join the efforts by the North and Northeastern Development Initiative (NEDI) to apply Geo-Enabled Monitoring Systems for Supervision (GEMS). An initial sensitization took place during the mission and the NPIU safeguards staff participated in an earlier 3-day training. The mission agreed that GEMS and the project MIS will be integrated to avoid duplication of data collection and CIPIU staff will be oriented on GEMS once community-level implementation starts.

V. NEXT STEPS AND AGREED ACTIONS

Table 2: Summary of Agreed Actions

	Actions	Responsible	Due Date
1	Share countersigned copies of project MoUs	NPIU	June 21, 2019
2	Conduct FP training	NPIU	June 21, 2019
3	Initiate community-level project roll-out	NPIU	July 15, 2019
4	Ensure adequate budget allocation to the project	NPIU/NT	June 28, 2019
5	Share revised COM and FP training materials for Bank review	NPIU	June 13, 2019
6	Share list of PIST members in all three counties	NPIU	June 28, 2019
7	Share assignment letter for Turkana County Project Focal Point	NPIU	June 28, 2019
8	Feedback on AWPB	WB	June 21, 2019
Procurement			

9	Onboard NPIU procurement consultant	NPIU	June 28, 2019
10	Deployment of full-time procurement officer with hands-on experience in the implementation of Bank financed operations	NPIU	Immediately
11	Alignment of STEP user roles	NPIU	Immediately
12	Put on hold award of contract for Wajir South FP	NPIU	Immediately
Financial Management			
13	Budget vs actual analysis carried out per component to help in monitoring progress of activities per components	NPIU	Immediately and continuously
14	Imprests surrendered promptly as required and group imprests not issued	NPIU	Immediately and continuously
15	Maintenance of comprehensive asset register	NPIU	Immediately and continuously
16	Development of guidelines and reporting templates for sub-implementing entities	NPIU	Immediately
Social and Environmental Safeguards			
17	Ensure safeguards mainstreaming in revised COM , FP training materials and other project manuals	NPIU	June 13, 2019
Monitoring and Evaluation			
18	Share baseline survey and MIS deliverables for Bank technical review	NPIU	Throughout the preparation process
19	Complete baseline survey and MIS establishment	NPIU	September 30, 2019
20	Exchange with Uganda M&E counterparts on MIS (VC and exchange visit)	NPIU/WB	July 15, 2019
21	Share M&E training materials for review	NPIU	June 14, 2019
22	Finalize master indicator table	NPIU	June 28, 2019
23	Orient CIPIU staff on GEMS	NPIU	August 31, 2019

Table 3: Status of Agreements from the previous Aide Memoire

Action	Responsible	Due Date	Status
Share MoU with counties and the World Bank for review and inputs	NPIU	Immediately	Done
Arrange study tour to India	WB	June 30, 2018	Done
Appoint County Focal Points for KDRDIP	Counties	Immediately	Done
Sensitization of MPs	NPIU/WB	May 15, 2018	Done
Official communication on achievement of two Legal Covenants (County Project Steering Committees, County Auditors)	NPIU	March 30, 2018	Done
Recruitment of County Project Coordinators	NPIU	March 30, 2018	Done
Recruitment of remaining CIPIU staff	NPIU	April 30, 2018	Done
Completion of FP procurement process	NPIU	July 15, 2018	Done (except Wajir South)
Finalization of COM and PIM	NPIU	May 15, 2018	Done
Training of county and sub-county stakeholders on COM content	NPIU	June 30, 2018	Done, to be continued
First draft of AWPB 2018/19	NPIU	May 8, 2018	Done
Technical Launch of the Project	NPIU	June 30, 2018	Done
Monitoring and Evaluation			
Final draft of M&E manual	NPIU	April 30, 2018	Done

Finalization of baseline survey TOR	NPIU	March 30, 2018	Done
Finalization of MIS TOR	NPIU	March 30, 2018	Done
Procurement			
Send addendum to the invitation for bids for the procurement of motor vehicles to all bidders	NPIU	Immediately	Done
Financial Management			
Share names, contacts and CVs of County Accountants	NPIU	March 30, 2018	Done
Environmental and Social Safeguards			
Social safeguards specialist for the PIU recruited	NPIU	April 15, 2018	Done
Recruitment of Environmental and Social Safeguards Specialists at county level	NPIU	April 30, 2018	Done
Training and capacity building of the NPIU and CIPIU on Banks safeguards policies, procedures and compliance	NPIU/WB	May 3, 2018	Done
Develop safeguards process and incorporate in community operations manual	NPIU/WB	April 30, 2018	Done, to be continued
Share COM with World Bank safeguards team for review of safeguards input	NPIU	April 15,2018	Done, to be continued

Annexes:

Annex 1: List of officials met and composition of WB team

Annex 2: LIPW comparator table

Annex 1: List of officials met and composition of WB team

S/N	NAME	ORGANIZATION	TELEPHONE	EMAIL
National Project Implementation Unit				
1.	Dr. Anne Kinyua	National Project Implementation Unit	+254 722704940	anne.k.kinyua@gmail.com
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26.	Peter Mukhutsi	World Bank		pmukhutsi@worldbank.org
Turkana County Team				
27.	H.E Hon Peter Emuria	Deputy Governor Turkana	+254721530465	

28.	Muthama Wambua	County Commissioner Turkana	+254722880330	
29.	Emase Lopetel	Energy -TCG	+254795975419	
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31.	Betty Kiptoo	Interior	+254721545083	
32.	John Elim	NTOIMA	+254720534359	
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34.	Mark Ebei	Environment Officer -TCG	+254 70256358	
DANIDA EMBASSY				
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Annex 2: LIPW comparator table

	Proposed	Actual				Notes
	Kenya	Uganda	Ethiopia	Tanzania	WFP	
Wage Rate	KES 250	5,500 UGX	Varies from place to place (35-60 Birr, USD 1.2-2)	USD 1.35/day	Pays food ration	
Work day	5 hours a day 3 days a week 6 months a year	4 months in a year and 15 working days per month. Working hrs flexible depend on the climate and community agreement	Total allowed working period 6 months/year Up to five persons per family are allowed to work Each person is allowed to work 5 days/month Daily working hours is 3-6 depending on the area Women work half of men	4 months in a year, 15 working days per month	More or less follows respective country guideline	Depending on season calendar
Eligibility process	Outcomes of Wealth ranking Check using the NSNP social registry and/or HSNP register on vulnerable households	Poorest and most vulnerable (identified based on wealth ranking)	Poorest and most vulnerable (identified based on wealth ranking)	Poorest and most vulnerable (identified based on wealth ranking)	Poorest and most vulnerable (identified based on wealth ranking)	Vulnerable households- 10-20 members per grp

Identification of works	Based on CDPs and community priorities	Based on participatory community planning process	Participatory community planning process	Participatory community planning process	Participatory community planning process	This will target only NRM and environment.
Who will manage the LIPW groups	LIPWE SC	CPMC	Government employed development agent (DA) supported CPMC	Supervisor/LSP and CPWMC	Government staff in some countries NGOs	Members of LIPE SC elected during a village baraza to implement NRM community assets
Who will supervise the works and provide technical backstopping	Relevant PIST	CPMC supported by Lead Local Artesian (LLA)	DA and team leaders	Supervisor/LSP and CPWMC	Government staff in some countries NGOs	
Who record daily activities	Supervisor (member of the LIPW group) reports to Village LIPWE sub-committee	Record keeper selected from the CWC	DA	Supervisor/LSP and CPWMC	Government staff in some countries NGOs	Foreman must be a literate member of the LIPW grp
Who will manage the asset?	CPMC. Depending on the asset, an existing committee will take over or a new committee will be created. County Government may also come in if need be.	<ul style="list-style-type: none"> • SWC on private land is managed by individuals • Road, SSI, valley tank and pond is managed by community groups who will be the 	Operation and maintenance committee established per sub project	Committee responsible for operation and maintenance asset formed at the launch of the SP		CPMC- elected during a village baraza

		beneficiary of the asset				
Measurements of works and monitoring	LIPWE Sub-Committee Social Audit Committee (SAC)	LLA CPMC	DA	Supervisor/LSP and CPWMC		
Mode of payment	Supervisor submits list of workers for the two weeks to the LIPWE SC for verification and endorsement. The SC forwards to CIPIU for verification, processing, and payment. Accountant verifies and submits to bank (and possibly MPESA in a later stage) for disbursement to individual LIPW beneficiaries	Summary of Monthly attendance sheet signed by CPMC and time keeper submitted to sub county. CWC supervised by CDO with draw the cash from the CWC account	Summary of attendance sheet submitted to Woreda/district and payment is made by government employed cashier	Summary of attendance sheet after fortnight period signed by CPMC and LSP assigned cashier pays at community center		This process may take one week.
Financial Control systems	Triplicate work register- A					

	copy remains with LIPWE SC, a copy sent to CIPIU and a copy stays with the foreman.					
Policy/Legal limitations	NPIU needs to confirm with the Global Fund (in the National Treasury) on policy outcome with using MPESA.					